

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

L.J. ZUCCA, INC.

Plaintiff,

v.

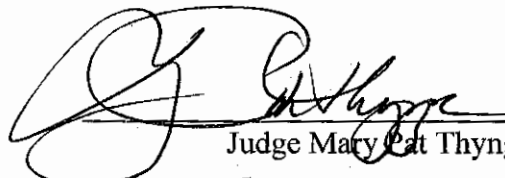
ALLEN BROS. WHOLESALE
DISTRIBUTORS INC., *et al.*,

Defendants.

C.A. No. 1:07-CV-2 (MPT)

CERTIFICATION PURSUANT TO 28 U.S.C. § 2403

Pursuant to 28 U.S.C. § 2403(b), I hereby certify that a constitutional challenge has been posed to the Delaware Unfair Cigarettes Sales Act, 6 *Del. C.* §§ 2601, *et seq.*, in the above-captioned action. Defendant Cooper-Booth Wholesale Company has moved for partial judgment on the pleadings on the grounds that the Delaware Unfair Cigarette Sales Act is preempted by Section 1 of the Sherman Act, 15 U.S.C. § 1.


Judge Mary Pat Thyng
Date: March 23, 2007